



**PASHMAN STEIN**

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August 5, 2011

Hon. Esther Salas  
United States District Judge  
Martin Luther King, Jr., Federal Building & Courthouse  
50 Walnut Street  
Newark, N.J. 07102

**Re: *NVE, Inc. v. Palmeroni, et al.***  
**Civil Action No. 06-5455 (ES)**  
**Our File No. 6026-044**

Dear Judge Salas:

We represent the plaintiff, N.V.E., Inc., in this case which was recently reassigned to you from Chief Judge Brown following your elevation to the District Court. The Court is, however, familiar with this matter based on proceedings before you as a Magistrate Judge. On May 26, 2011, Your Honor granted a motion to withdraw by prior counsel for defendant Jesus Palmeroni and gave Mr. Palmeroni until June 30, 2011, to either retain new counsel or to proceed pro se.

It is now August, no counsel has entered an appearance on behalf of Mr. Palmeroni and he is proceeding pro se in this matter. We seek the Court's guidance as to whether we should address outstanding discovery matters with the Court or whether this case has been assigned to a new Magistrate Judge to whom we should raise these issues. These matters include requests for permission to file motions to quash subpoenas made by both parties in April 2011 (Docket ##'s 188 and 190), consideration of which was delayed by the Court pending the motion of Palmeroni's counsel to withdraw.

In an effort to move this case forward and obtain needed discovery, plaintiff N.V.E., Inc., seeks to:

- 1) submit an Order to the Court that will lift the temporary stay on five subpoenas issued by N.V.E., Inc., in March 2011, to the following:
  - a) Lakeland Bank – to secure information on all accounts maintained by defendant Jesus Palmeroni;

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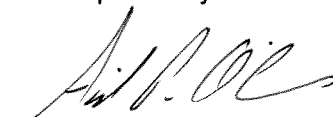
- b) American Express Centurion Bank - to secure information on all accounts maintained by defendant Jesus Palmeroni;
  - c) E-Trade Bank - to secure information on all accounts maintained by defendant Jesus Palmeroni;
  - d) Lakeland Bank - to secure information on all accounts maintained by defendant Michele Hooey as well as Michele Hooey's employment records;
  - e) Pennstar Bank - to secure information on all accounts maintained by defendant Michele Hooey; and
- 2) file a Motion to Quash a subpoena which was served by the former attorneys for Jesus Palmeroni on Parillo Russo & Grill, LLC, former accountants for NVE and Robert Occhifinto seeking tax information that the Court has already determined is beyond the scope of this case or is otherwise irrelevant.

On July 28, 2011, the Clerk entered default against Jesus Palmeroni, Michele Hooey a/k/a Michele Palmeroni, and Mr. Palmeroni's two companies, National Retail Consulting Group, Inc. and Global Marketing & Sales Group, LLC, due to their failure to plead or otherwise defend. Despite defendants' attempt to delay this matter further, we recognize the need to move forward to judgment. We therefore request that the Court allow us to proceed with these long standing discovery subpoenas so that we may compile necessary financial and other information.

We respectfully request that the Court allow us to file an appropriate Order advising the entities listed above that they may release all documents requested in the subpoenas that they received. In addition, we request that we be allowed to file the Motion to Quash the subpoena served on behalf of defendant Palmeroni. In the alternative, we ask that the Court advise us as to which Magistrate Judge we should make this application.

Thank you for your consideration of these requests.

Respectfully submitted,



AIDAN P. O'CONNOR

cc: Mr. Jesus Palmeroni (via e-mail and regular and certified mail, RRR)  
Mr. Erling Jensen, CFO, N.V.E., Inc.